

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JEFFREY LAPP,)	
)	
Plaintiff,)	8:05CV288
)	
v.)	
)	
WERNER, and FUTURE MARKET)	MEMORANDUM AND ORDER
TELECENTER,)	
)	
Defendants.)	
_____)	

The plaintiff initiated this lawsuit in the District Court of Keith County, Nebraska on May 19, 2005. The case was removed to the United states District Court for the District of Nebraska on June 17, 2005.

The state court pleadings filed with the notice of removal contain no certificate stating the plaintiff served his complaint on defendant Future Market Telecenter. More than 120 days have passed since removal to this court, yet the plaintiff has filed no proof of serving the complaint on defendant Future Market Telecenter, and there has been no entry of appearance or filing made on behalf of this defendant in this forum.

IT THEREFORE HEREBY IS ORDERED: The plaintiff is given until December 16, 2005 to show cause why, as to defendant Future Market Telecenter, this case should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m) or for want of prosecution.

DATED this 6th day of December, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge